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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,107	02/08/2001	Matthew J. Murnaghan	034300-140	2971

7590 01/13/2005

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EXAMINER

CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,107

Applicant(s)

MURNAGHAN ET AL.

Examiner

Charles R Craver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins, US Pat 6,516,202 in view of Zidel, US Pat 6,330,436, both newly cited.

Claims 1, 24, 36: Hawkins discloses a wireless communication device which provides communication capability for a personal data assistant (300), the device comprising a housing (350) adapted to detachably mate with the personal data assistant, a modem within the housing where the modem is adapted to provide communication capability for the personal data assistant through an established communication link between the modem and the personal data assistant via an interface (col 2 line 48-col 3 line 22), and logic in the housing adapted to check for message notifications (col 7 lines 29-35). Hawkins fails to disclose that the logic may check for messages independent of the established communication link. However, Zidel discloses the utility of providing a means for checking message notifications in an auxiliary device connected to a data processing device independent of the connection between them (col 3 line 51-col 4 line 46). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Hawkins, as it would improve the chances of the device getting the message, as

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suggested by Zidel. **Claim 2, 6-8, 19, 37:** Hawkins discloses an interface and circuitry (reads board) allowing a compact fit using a housing 350. **Claim 3:** Hawkins discloses email. **Claims 4, 39:** Hawkins discloses a PDA, which is a hand-held data organizer.

Claim 5: Hawkins discloses a battery (col 4 lines 37-46). **Claims 9-13, 17, 41, 42:** Hawkins discloses a multi-purpose indicator light (col 3 lines 49-55), and discloses the utility of providing a number of indicators, such as battery charge (col 7 lines 28-35).

One of ordinary skill in the art would have found it obvious to use such indicators to provide standard functions such as transmit/receive, connection and server data. **Claim 14:** while Hawkins in view of Zidel fails to disclose CDPD, Hawkins discloses that the invention may operate on a number of different systems (col 2 lines 40-47), and as such the examiner takes Official Notice of CDPD, asserting that one of ordinary skill in the art would have found such a standard messaging system obvious. **Claims 15, 22, 40:**

Hawkins discloses a microcontroller. **Claims 20, 21, 23, 43-45:** the use of an ASIC, FPGA or other programmable logic would have been an obvious substitute for the DSP and microcontroller of Hawkins. **Claims 25, 46:** Hawkins discloses a detachable antenna 370. **Claim 38:** the invention of Hawkins in view of Zidel would inherently provide the function of claim 38 in a situation where another application is in its idle state.

Claims 26, 31-33, 35: Hawkins discloses a wireless communication device which provides communication capability for a personal data assistant (300), the device comprising a housing (350) adapted to detachably mate with the personal data assistant, a modem within the housing where the modem is adapted to provide

communication capability for the personal data assistant through an established communication link between the modem and the personal data assistant (col 2 line 48-col 3 line 22), and logic in the housing adapted to check for message notifications (col 7 lines 29-35). Hawkins fails to disclose that the logic may check for messages independent of the established communication link. However, Zidel discloses the utility of providing a means for checking message notifications in an auxiliary device connected to a data processing device independent of the connection between them (col 3 line 51-col 4 line 46). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Hawkins, as it would improve the chances of the device getting the message, as suggested by Zidel.

Lastly, Hawkins discloses a multi-purpose indicator light (col 3 lines 49-55), and discloses the utility of providing a number of indicators, such as battery charge (col 7 lines 28-35). One of ordinary skill in the art would have found it obvious to use such indicators like an LED to provide standard functions such as transmit/receive, connection and server data. **Claim 27-29:** Hawkins discloses an interface and circuitry (reads board) allowing a compact fit using a housing 350. **Claim 30:** Hawkins discloses a PDA, which is a hand-held data organizer. **Claim 34:** Hawkins discloses a detachable antenna 370.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9306 for both formal and informal/draft communications, labeled as such.

Hand delivered responses should be brought to Crystal Plaza II, 200 South 20th St, Arlington VA, first floor lobby.

Any inquiry concerning this or earlier communications from the examiner should be directed to examiner Charles Craver at (703) 305-3965.

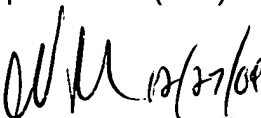
If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-4700.

CC

C.Craver

December 27, 2004


CHARLES CRAVER
PRIMARY EXAMINER